

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

ROBERT BOUNDS,

Petitioner,

v.

No. CV 11-0265 JH/LAM

JAMES JANECKA, WARDEN, et al.,

Respondent.

ORDER

THE COURT having entertained this *habeas corpus* proceeding *in forma pauperis* pursuant to 28 U.S.C. § 2254 and 28 U.S.C. § 1915, *see* 28 U.S.C. § 2254 R.4, and the Court having determined that the petition for writ of habeas corpus is not subject to summary dismissal,

IT IS HEREBY ORDERED that the Clerk is directed to serve on Respondents Warden and the New Mexico Attorney General copies of the *Petition Pursuant to 28 U.S.C. Section 2254 for Writ of Habeas Corpus* (Doc. 3), the *Motion for Continuance* (Doc. 1), and this order.

IT IS FURTHER ORDERED that Respondents shall answer the petition **within thirty (30) days from entry of this Order**. Respondents' answer shall advise, but is not limited to, whether the Petitioner has exhausted his state court remedies as to the issues raised in the federal application. In each case, Respondents shall attach to their answer copies of any pleading pertinent to the issue of exhaustion which was filed by Petitioner in the sentencing court, the state district court, the state court of appeals and the state supreme court, together with copies of all memoranda filed by both parties in support of or in response to those pleadings. Respondents shall also attach to the answer copies of all state court findings and conclusions, docketing statements, and opinions issued in Petitioner's state court post-conviction or appellate proceedings. In the event Respondents deny

exhaustion, Respondents shall identify the State procedures currently available to Petitioner given the nature of his claims and their procedural history.

IT IS FURTHER ORDERED that until such time as Petitioner may be represented by counsel the Clerk is directed forward to Petitioner copies of subsequent orders and filings in this proceeding.

IT IS SO ORDERED.



LOURDES A. MARTINEZ
UNITED STATES MAGISTRATE JUDGE